HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 11991 OF 2000

Between:

Ganta Mastan Rao

..... Petitioner

AND

Secretary to Government of India,
Ministry of Home Affairs,
New Delhi & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Ms. P.R.V. Kadambari

Counsel for respondent Nos. 1 and 2: Shri A. Rajasekhar Reddy, Assistant Solicitor General

Counsel for respondent No.3 : Assistant Government Pleader for Revenue

Dated: 14.11.2006

Whether the certificates issued by Shri Annapragada Kameswara Rao and Shri Petaraju Rama Murthy supporting the petitioner's assertion that he remained underground from 27.08.1942 to 20.03.1943 in connection with Quit India Movement can be made basis for entertaining the petitioner's claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') is the question which arises for determination in this petition filed under Article 226 of the Constitution of India for quashing letter dated 21.03.1998 vide which the State Government rejected his claim for grant of pension.

The petitioner claims to have taken part in the freedom movement and with a view to evade arrest pursuant to warrant dated 26.08.1942 issued by II Additional Munsif Magistrate, Tenali in C.C.No.160 of 1942, he is said to have remained underground from 27.08.1942 to 20.03.1943. He submitted application dated 10.02.1982 for grant of pension by relying on Non-Availability of Record Certificate issued by the competent authority and two certificates issued by the freedom fighters named hereinabove. After considering the documents produced by him, the State Government rejected the petitioner's claim vide letter dated 21.03.1998.

I have heard learned counsel for the parties. In my opinion, the decision of the State Government not to entertain the

petitioner's claim for being treated as a freedom fighter and not to sanction pension in his favour does not suffer from any legal infirmity. A reading of the certificate issued by Shri Annapragada Kameswara Rao shows that he had suffered imprisonment for different durations between 23.01.1922 and 29.08.1945 including the period of two years from 09.08.1942 to 10.08.1944 when he is said to have been lodged in Guntur Sub-Jail. The certificate of the other freedom fighter namely Shri Petaraju Rama Murthy shows that he had remained in jail from 1939 to 1945. The authors of both the certificates have claimed that the petitioner remained underground from 27.08.1942 to 20.03.1943. The learned Assistant Government Pleader for Revenue contends and in my opinion rightly, that the persons who were in jail at the relevant time could not know of the fact that the petitioner remained underground from 27.08.1942 to 20.03.1943. Learned counsel for the petitioner was at loss to explain as to how Shri Annapragada Kameswara Rao and Shri Petaraju Rama Murthy could issue certificate that her client remained underground from 27.08.1942 to 20.03.1943.

No other material has been produced before the Court to show that the petitioner had, in fact, remained underground during the aforesaid period.

In the premise aforesaid, I do not find any valid ground or justification to entertain the petitioner's claim for being treated as a freedom fighter and grant of pension under the 1980 Scheme.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.15256 of 2000 filed by the petitioner for interim relief

is also dismissed.

G.S.SINGHVI, CJ

14.11.2006
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